

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

DS SMITH PLASTICS LIMITED and
RAPAK, LLC,

Plaintiffs,

v.

PLASCON PACKAGING, INC.,
BRINKER INTERNATIONAL, INC.,
and THE WASSERSTROM
COMPANY.

Defendants.

STIPULATION OF DISMISSAL

Plaintiffs/Counter-defendants DS Smith Plastics Limited and Rapak, LLC (“Plaintiffs”) and Defendants/Counter-claimants Plascon Packaging, Inc., Brinker International, Inc., and The Wasserstrom Company (“Defendants”) hereby stipulate as follows pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure:

(1) The claims asserted by Plaintiffs in their Complaint in this case against Defendants shall be dismissed in their entirety, with prejudice pursuant to the terms of the settlement agreement executed by the Parties;

(2) The counterclaims asserted by Defendants in their Answers and Counterclaims in this case against Plaintiffs shall be dismissed in their entirety, with prejudice pursuant to the terms of the settlement agreement executed by the Parties; and

(3) Each party shall bear its own costs and attorneys' fees.

Dated: August 19, 2016

Respectfully submitted,

/s/ Peter J. McAndrews

Peter J. McAndrews

David Z. Petty

MCANDREWS, HELD & MALLOY, LTD.

500 West Madison St., 34th Floor

Chicago, IL 60661

(312) 775-8000

pmcandrews@mcandrews-ip.com

dpetty@mcandrews-ip.com

Attorneys for Plaintiffs

/s/ Douglas P. LaLone

Douglas P. LaLone

Michael T. Fluhler

Fishman Stewart PLLC

39533 Woodward Avenue, Suite 140

Bloomfield Hills, MI 48304

Tel: (248) 594-0600

Fax: (248) 594-0610

DLaLone@fishstewip.com

MFluhler@fishstewip.com

Colby A. Kingsbury (IL6272842)

Faegre Baker Daniels LLP

311 S. Wacker Drive, Suite 4300

Chicago, Illinois 60606

Tel.: (312) 212-6500

Fax: (312) 212-6501

Colby.Kingsbury@FaegreBD.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2016 a copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record in this case.

/s/ Violet Tovar
Paralegal
McAndrews, Held & Malloy, Ltd.